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FILED

FEB 02 2011

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

9
10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,) NO. 09-70631 PSG

14 Plaintiff,)

15 v.)

16 SANTOS AQUINO-CACERES,)

17 Defendant.)

**GOVERNMENT'S REQUEST TO
DISMISS COMPLAINT; ~~PROPOSED~~
ORDER**

18
19 COMES NOW THE UNITED STATES OF AMERICA appearing through the
20 undersigned Assistant United States Attorney and moves this Honorable Court for an order
21 dismissing without prejudice the above-captioned complaint. The facts supporting this
22 request are as follows:

23 On July 16, 2009, Defendant was charged in the above-captioned complaint. On May
24 17, 2010, pursuant to the Warrant for Arrest, Immigration and Customs Enforcement
25 //

26

1 ("ICE") removed Defendant from the United States to Defendant's native country of Mexico.

2 Accordingly, the government respectfully requests that the above-captioned case be
3 dismissed without prejudice.
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5 DATED: February 2, 2011

Respectfully submitted,

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7 MELINDA HAAG
United States Attorney

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9 /S/
SUZANNE M. DeBERRY
10 Special Assistant United States Attorney
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16 **ORDER**

17 Upon application of the United States, and good cause having been shown therefor,

18 **IT IS HEREBY ORDERED** that the above-captioned Complaint is DISMISSED
19 WITHOUT PREJUDICE.
20

21 DATE: *February 2, 2011*

22 *Paul S. Grewal*
23 PAUL S. GREWAL
United States Magistrate Judge
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